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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT McFADDEN,

Plaintiff,

-against-

SUPERINTENDENT WILLIAM KEYSER;
DEPUTY SUPERINTENDENT OF SECURITY
GARY SIPPLE; CAPTAIN KENNETH LETUS;
SERGEANT LISA WILSON; SERGEANT
RONALD MILLER; FOOD SERVICES
ADMINISTRATOR ANTHONY RIZZUTO;
HEAD COOK JOHN PAPAVALIOU; COOK
ANTHONY CARMINATI; INMATE
GRIEVANCE PROGRAM SUPERVISOR
CORY PROSCIA; HEAD CHAPLIN
OGBONNA STAINISLAUS; NURSE
KATHLEEN BUTTLES; C.O. WILLIAM
ELBERTH; C.O. EDMUND PUERSCHNER;
C.O. TIMOTHY DOEINCK; C.O. OFFICER
KINNE; C.O. RYAN SOUTHARD; C.O. PAUL
HOLLAND; C.O. STEVE RYDER; C.O.
GEORGE GILMOUR, SR.; HEARING
OFFICER MORROW,

Defendants.

23-CV-802 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

Plaintiff, who is currently incarcerated in the Mid-State Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act, regarding events that allegedly occurred at the Sullivan Correctional Facility, between 2019 and 2022. By order dated February 1, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.¹ On February 27, 2023, this Court

¹ Prisoners are not exempt from paying the full filing fee, even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

issued an Order of Service directing service upon all Defendants by the U.S. Marshals Service. (ECF No. 7.) On March 16, 2023, Plaintiff informed the Court of his belief that Defendant William Elberth and “several other defendants” no longer work at Sullivan Correctional Facility. (ECF No. 12.) In light of this information, the Court directed Plaintiff to identify which specific Defendants “he believes no longer work at Sullivan Correctional Facility and for whom he has no information regarding addresses for service.” (ECF No. 13.) In response, Plaintiff identified the following Defendants whom he believes no longer work at Sullivan Correctional Facility or for whom he has no information regarding addresses for service: Superintendent William Keyser; Deputy Superintendent of Security Gary Sipple; Captain Kenneth Letus; Food Services Administrator Anthony Rizzuto; Head Cook John Papavasilou; Cook Anthony Carminati; Inmate Grievance Program Supervisor Cory Proscia; Nurse Kathleen Buttles; Correctional Officer William Elberth; C.O. George Gilmour, Sr.; and Hearing Officer Morrow. (ECF Nos. 12, 14.)

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). It is therefore ordered that the New York State Attorney General (the “NYAG”), which is the attorney for and agent of the New York Department of Corrections and Community Supervision, shall ascertain the addresses of the following Defendants: Superintendent William Keyser; Deputy Superintendent of Security Gary Sipple; Captain Kenneth Letus; Food Services Administrator Anthony Rizzuto; Head Cook John Papavasilou; Cook Anthony Carminati; Inmate Grievance Program Supervisor Cory Proscia; Nurse Kathleen Buttles; Correctional Officer William Elberth; C.O. George Gilmour, Sr.; and Hearing Officer Morrow.

Upon receipt of this information the Court will issue a supplemental order of service, directing service upon these Defendants.

CONCLUSION

NYAG is ordered to ascertain the addresses of the following Defendants: Superintendent William Keyser; Deputy Superintendent of Security Gary Sipple; Captain Kenneth Letus; Food Services Administrator Anthony Rizzuto; Head Cook John Papavasilou; Cook Anthony Carminati; Inmate Grievance Program Supervisor Cory Proscia; Nurse Kathleen Buttles; Correctional Officer William Elberth; C.O. George Gilmour, Sr.; and Hearing Officer Morrow. NYAG is instructed to provide this information to Plaintiff and the Court within 60 days.

The Clerk of the Court is respectfully directed to mail a copy of this Order to Plaintiff at the address listed on ECF and to show service on the docket.

SO ORDERED.

Dated: April 21, 2023
White Plains, New York



NELSON S. ROMÁN
United States District Judge